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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,314

04/17/2007

Chaogang Lu

4202-02900

7532

97698 7590 01/04/2011

Huawei Technologies Co., Ltd.
c/o Conley Rose, P.C.
5601 Granite Parkway
Plano, TX 75024

EXAMINER

HUSSAIN, FARRUKH

ART UNIT

PAPER NUMBER

2444

MAIL DATE

DELIVERY MODE

01/04/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/593,314	Applicant(s) LU ET AL.	
	Examiner FARRUKH HUSSAIN	Art Unit 2444	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-19.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

/WILLIAM C VAUGHN JR/
Supervisory Patent Examiner, Art Unit

/F. H./
Examiner, Art Unit 2444

Continuation of 13. Other: Point A. The applicants argued that the Examiner asserts that Jain's paragraph 5, lines 1-10 discloses that the PML router assigns a label for the protection LSP. See Office Action dated October 6, 2010, pp. 5-6. However, Jain modifies the packet by exchanging the outgoing label for the prior label before forwarding the packet along this next hop, rather than assigning a label for the protection LSP:

As to Point A, the examiner respectfully disagrees. Jain does assign a label for the protection LSP (See paragraph 0100 lines 1-15 used as the appropriate label for the next hop for the appropriate protection LSP)

Point B. The applicants argued that the combination of Lewis, Jain, and Owens fails to disclose a message that comprises label binding information comprising an identifier of the work LSP, a type of the LSP and a protection mode.

As to Point B, the examiner respectfully disagrees. Owens does disclose a message that comprises label binding information comprising an identifier of the work LSP (see column 2 lines 44-54 switches 2, 3, 4, 6 and 7 (identified by reference numerals 104, 106, 108, 110 and 112 respectively). ... This path is known in the art as the working or primary path through the network.), a type of the LSP (see column 11, lines 54-67 When traffic is mapped onto a label-switched path in this way, we call the LSP an "LSP Tunnel". (a type of the LSP)) and a protection mode (see column 14, lines 47-60 so called protection path is preferably set up in advance and maintained in a stand by mode (protection mode)).

Point C The applicant's argued that the combination of Lewis, Jain, and Owens does not disclose binding information contained in the first message, a second message, and notification message, and the PSL and PML binding the work LSP and protection LSP.

As to Point C, the examiner respectfully disagrees. Owens does disclose binding information contained in the first message, a second message, and notification message, and the PSL and PML binding the work LSP and protection LSP. (see column 11, lines 1-31 a binding between outgoing labels specifying the working path and the protection/recovery path...A "label distribution protocol" is a set of procedures by which one LSR (i.e., a network switch element) informs (notification message) another of the label bindings it has made."Label binding" is a process by which a message (first message) to be sent from a source to a destination is associated with various labels between the nodes that lie along the way..."label binding." Two or more LSRs, (network switch elements) which use a label distribution protocol to exchange label binding information are known as "label distribution peers" with respect to the binding information they exchange.))